

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Dana Albrecht,

*

*

Plaintiff,

*

v.

*

Civil No. 1:23-CV-00381-JL-TSM

*

Kathleen Sternenberg, *et al.*

*

*

*

Defendants.

*

*

**STATE DEFENDANTS DERBY, KING AND NH JUDICIAL BRANCH'S
MOTION TO DISMISS**

Defendants Mark S. Derby, David D. King, and the NH Judicial Branch, by and through counsel, the NH Office of the Attorney General, file this Motion to Dismiss, stating as follows:

1. Plaintiff filed this Complaint on August 4, 2023, alleging violations of his procedural and substantive due process rights under the United States Constitution against six defendants, in forty counts. Defendant Mark S. Derby is sued in his official capacity as a New Hampshire Circuit Court Judge for the 9th Circuit, Family Division. Compl. at 1. Defendant David D. King is sued in his official capacity as the Chief Administrative Judge of the New Hampshire Circuit Court. Compl. at 1. He seeks declaratory relief only. Compl. at 31-32

2. Each of Plaintiff's claims fails for multiple reasons: 1) Plaintiff's claims for declaratory relief are barred by the Eleventh Amendment; 2) Judge Derby and the NH Supreme Court are entitled to absolute judicial immunity; 3) and Plaintiff does not set forth a legal "duty" by Judge King to disclose certain information, nor for the NH Judicial Branch to have produced records from the Judicial Conduct Committee (JCC) investigation.

3. The NH Judicial Branch, Judge King, and Judge Derby refer this Court to their Memorandum of Law, filed contemporaneously, as support for their Motion.

WHEREFORE, the NH Judicial Branch, Judge King, and Judge Derby respectfully request that this Honorable Court:

- A. Grant this Motion to Dismiss for the reasons set forth in their accompanying Memorandum of Law;
- B. Dismiss all claims against the NH Judicial Branch, Judge Derby, and Judge King; and
- C. Grant any further relief that justice may require.

Respectfully submitted,

Mark S. Derby, David D. King, and the NH Judicial Branch

By their attorney,

THE OFFICE OF THE ATTORNEY GENERAL

Dated: November 6, 2023

/s/ Christopher Bond

Christopher G. Bond, Bar #20161
Associate Attorney General
33 Capitol Street
Concord NH 03301
christopher.g.bond@doj.nh.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ECF on November 6, 2023 to the parties and/or counsel of record.

/s/ Christopher Bond

Christopher G. Bond